IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE FINLEY,

No. C 04-5102 MEJ

AT 10:00 A.M.

ORDER FOR PLAINTIFF'S COUNSEL,

DECLARATION BY DECEMBER 7, 2005

RICHARD MEIER, TO FILE

Plaintiff(s),

VS.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CITY OF OAKLAND, et al.,

Defendant(s).

On November 29, 2005, Plaintiff's counsel, Richard Meier, filed a declaration in which he states that he is unfamiliar with the Federal Rules of Civil Procedure and was unaware that the Civil Local Rules establish a briefing schedule for motion practice before this Court. Mr. Meier requested a continuance of the summary judgment hearing, currently scheduled for December 8, 2005. Before making its decision, the Court permitted Defendants an opportunity to file a response to Plaintiff's request.

Based on Defendants' response, it appears that Mr. Meier has not been forthright with the Court. Accordingly, the Court hereby ORDERS Mr. Meier to e-file a declaration no later than December 7, 2005 at 10:00 a.m. In his declaration, Mr. Meier shall, under penalty of perjury, explain how he was unaware of the Civil Local Rules, and specifically Civil Local Rule 7, considering he has appeared in this district at least since 1990. Mr. Meier shall also explain why he was not on notice of the Court's motion briefing schedule established in Local Rule 7, specifically in consideration of his failure to timely file an opposition in another

Case 3:04-cv-05102-MEJ Document 24 Filed 12/05/05 Page 2 of 2

United States District Court

Dated:	December 5, 2005

case before this Court, *Gebrewmeskel v. Regatta Holdings, Inc.*, *et al.*, C-04-1126 MMC. In that case, Mr. Meier filed a declaration stating that his office mis-calendared the opposition due date and requested leave to file a late opposition (Docket #43). Counsel was certainly on notice of the Court's local rules as of that case because, prior to the date Mr. Meier filed his declaration, counsel for the opposing party filed a reply brief in which she clearly stated that pursuant to Local Rule 7-3, the opposition was due to be filed and served 21 days before the hearing date (Docket #40).

Upon receipt and review of Mr. Meier's declaration, the Court shall consider whether to allow Plaintiff to file an opposition and continue the hearing date. Until that time, the parties should be prepared to present oral arguments on December 8, 2005, as scheduled.

IT IS SO ORDERED.

MARIA-EL NA JAMES United States Magistrate Judge